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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ichiro Yamagiwa

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REED SMITH LLP

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EXAMINER

LUKS, JEREMY AUSTIN

ART UNIT

PAPER NUMBER

2837

MAIL DATE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,943	<b>Applicant(s)</b> YAMAGIWA ET AL.	
	<b>Examiner</b> JEREMY LUKS	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6 and 8-29 is/are pending in the application.
- 4a) Of the above claim(s) 6,16 and 18-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8-15 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/13/06, 9/24/07, 4/30/08</u> .                               | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. In response to Applicant's election with traverse, due to the amendment to claim 1 in the reply filed 8/18/08, the Examiner agrees that claim 1 is now generic to species I-IV, VIII, IX and XII. As a result, the Examiner considers claims 1, 2, 5, 8-15 and 17 to read on the elected species, resulting in claims 2, 9, 11-14 and 17 no longer being withdrawn from consideration. Claims 6, 16 and 18-29 remain withdrawn as being drawn to a non-elected species.

### ***Claim Objections***

2. Claims 1 and 2 are objected to because of the following informalities: The claims state that the vibration dampening member is provided on a surface of the plate-like body, and the installation portion is provided on an opposite side of the vibration dampening portion against the surface of the plate-like body. If the installation portion is on an opposite side of the vibration dampening member than the plate-like body, the installation member cannot be provided against the plate-like body. As can be seen in Applicant's Figure 1, the installation portion #3 is not in contact with or provided against a surface of the plate-like body #1. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (6,021,612) in view of Gelin (2003/0070367).

With respect to Claim 1, Dunn teaches a sound absorbing structure (Figure 4) utilizing the vibration of a plate-like body (#19 could be plate-like body), comprising: an installation portion (7b) provided against the surface of the plate-like body (19). Dunn fails to teach a vibration damping member provided on a surface of the plate-like body; and the installation portion provided at an opposite side of the vibration damping member against the surface of the plate-like body; wherein the vibration damping member and the installation portion are line-shaped or strip-shaped along the surface of the plate-like body. Gelin teaches a vibration damping member (Figure 1, #109) (Page 2, [0022]) provided on a surface of a plate-like body (103) when used in combination; and an installation portion (101) provided at an opposite side of the vibration damping member (109) against the surface of the plate-like body (103); wherein the vibration damping member (109) and the installation portion (101) are line-shaped or strip-shaped (clearly seen in Figure 1, Page 1, [0010]) along the surface of the plate-like body (103). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the apparatus of Dunn, with the apparatus of Gelin to provide a

Art Unit: 2837

material located between structural wall members that can provide additional substantial sound transmission loss.

With respect to Claim 2, Dunn teaches installation members (Figure 4, #7a, 7b) provided on opposite surfaces of a plate-like body (19). Gelin teaches wherein vibration damping members (Gelin, Figure 1, #109) are provided on installation members (#101), and when used in combination, the vibration damping members (Gelin, Figure 1, #109) are provided on the opposite surfaces of the plate-like body; and an installation portion (Dunn 7a, 7b) is provided at an opposite side of at least one vibration damping member (Gelin, #109) against the plate-like body (Dunn #19). To further simplify, the combination teaches placing the vibration dampening member of Gelin, (#109 or #209) in between each of the installation members (7a, 7b) and plate-like body #19 of Dunn.

With respect to Claim 5, Gelin teaches wherein the vibration damping member (109) is made of an elastic body (Pages 2-3, [0023]).

With respect to Claim 15, Dunn teaches wherein the plate-like body (Figure 4, #19) includes a plurality of through holes (18).

With respect to Claim 17, Dunn teaches wherein one or a plurality of other plate-like body(s) (Figure 4, #1 and/or #4) is/are arranged at an opposite side of the plate-like body (19) against the installation portion (7a or 7b).

4. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (6,021,612) in view of Gelin (2003/0070367) as applied to claims 1 and 2 above, and further in view of Hoffman (4,782,913). Dunn and Gelin are relied upon for the reasons and disclosures set forth above. Gelin teaches elastic vibration dampening

Art Unit: 2837

members (Figure 1, #109) located between installation portions (101) and a plate-like body (103). Dunn teaches wherein installation members (Figure 4, #7a and 7b) are located on opposite sides of a plate-like body (19). Therefore, when combined, Dunn and Gelin teach installation members (Dunn #7a and 7b), and vibration dampening member (Gelin #109) located on opposite sides of the plate-like body (Dunn, #19) (See rejection of claim 2 above). Dunn and Gelin fail to teach wherein the vibration damping member and the installation portion are lattice-shaped; and vibration damping members provided on the opposite surfaces of the plate-like body is lattice-shaped; and wherein the lattice of the lattice-shaped vibration damping member includes a plurality of square and/or rectangular shapes having different sizes. Hoffman teaches a lattice shaped installation portion (Figure 2, #3). When used in combination, the vibration dampening portion of Gelin (located between the installation portion #101 (similar to Hoffman #3) and plate-like body #103 (similar to Hoffman #5) will also be lattice shaped, and have the same shape as the installation portion, as Gelin teaches; and wherein the lattice of the lattice-shaped vibration damping member includes a plurality of square and/or rectangular shapes having different sizes (See cross-section of lattice #3 in Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the apparatus of Dunn as modified, with the apparatus of Hoffman, to increase structural rigidity of the wall member by providing a lattice structure.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent arts of record relating to sound absorbing structures are disclosed in the PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Luks whose telephone number is (571) 272-2707. The examiner can normally be reached on Monday-Thursday 8:30-6:00, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on (571) 272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremy Luks/  
Examiner, Art Unit 2837  
/Walter Benson/  
Supervisory Patent Examiner, Art Unit 2837